

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
SPRINGFIELD

AUG 12 2 04 PM '05

UNITED STATES OF AMERICA )  
)  
vs. ) 04-30044-MAP  
)  
KACEY JONES )

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
SPRINGFIELD

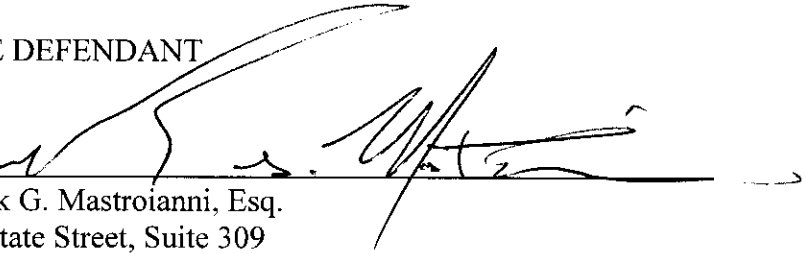
MOTION TO SUPPRESS (Warrantless Entry-Search)

Now comes the defendant and respectfully requests this Honorable Court suppress any and all evidence gained as a result of the police entry and search of an apartment at 49 School Street on 3/22/04.

As grounds for this request the defendant states the entry and search violated the defendant's rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution and Articles 12 and 14 of the Massachusetts Declaration of Rights.

The defendant specifically states the entry and search were without a warrant in a location where the defendant enjoyed a legitimate and reasonable expectation of privacy. The defendant further claims the entry and search were without any legal justification or excuse for non compliance with the warrant requirement, without the existence of exigent circumstances and without valid consent from the defendant or any individual with authority to give consent.

THE DEFENDANT

BY:   
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CERTIFICATE OF SERVICE

I, Mark G. Mastroianni, Esq., do hereby certify that I have served a copy of the foregoing to the Assistant United States Attorney, Paul Smyth, Esq., United States District Court, 1550 Main Street, Springfield, MA. 01103 this 11th day of August, 2005.

  
Mark G. Mastroianni